

9-12-05

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PTO/SB/21 (09-04)

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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application Number	09/393,590
		Filing Date	09/09/1999
		First Named Inventor	Elizabeth Moyer
		Art Unit	1645
		Examiner Name	Devi, S.J.N.
Total Number of Pages in This Submission	94	Attorney Docket Number	31242-701.201

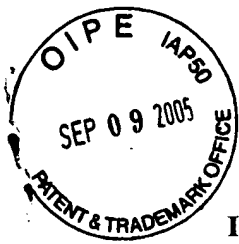
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Remarks		

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT			
Firm Name	WILSON SONSINI GOODRICH & ROSATI		
Signature			
Printed Name	Lorelei P. Westin		
Date	09/09/2005	Reg. No.	52,353

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being Express Mailed addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature			
Typed or printed name	Linda Thompson	Date	09/09/2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Attorney Docket No. 31242.701.201
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Elizabeth Moyer)	Group Art Unit: 1645
Serial Number: 09/393,590)	Examiner: Devi, S.J.N.
Filing Date: September 9, 1999)	CONFIRMATION NO: 2967
Title: STABLE LIQUID FORMULATIONS OF BOTULINUM TOXIN)	

Certificate of Mailing or Transmission
37 CFR §1.8

I hereby certify that this paper is being: ☒ filed by Express Mail addressed to Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450 on September 9, 2005.


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INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §1.97

Sir:

Applicant(s) hereby submit(s) an Information Disclosure Statement along with attached form(s) PTO/SB/08A. A copy of each listed publication is being submitted, if required, pursuant to 37 C.F.R. §§1.97-1.98, as indicated below.

Applicant(s) respectfully request(s) that the listed information be considered by the Examiner and be made of record in the above-identified application. Applicant(s) further request that the Examiner initial and return the attached form(s) PTO/SB/08 in accordance with MPEP §609.

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, prior art or material to patentability as defined in §1.56.

☐ 37 CFR §1.97(b). This Information Disclosure Statement should be considered by the Office because:

- ☐ (1) It is being filed within 3 months of the application filing date of a national application and is other than a continued prosecution application under §1.53(d);
-- OR --
- ☐ (2) It is being filed within 3 months of entry of a national stage as set forth in §1.491 in an international application;
-- OR --
- ☐ (3) It is being filed before the mailing date of the first Office Action on the merits;
-- OR --
- ☐ (4) It is being filed before the mailing of a first Office Action after the filing of a request for continued examination under §1.114.

☒ 37 CFR §1.97(c). Although this Information Disclosure Statement is being filed after the period specified in 37 CFR §1.97(b), above, it is filed before the mailing date of the earlier of (1) a final office action under §1.113, (2) a notice of allowance under §1.311, or (3) an action that otherwise closes prosecution on the merits, this Information Disclosure Statement should be considered because it is accompanied by one of:

- ☒ a certification as specified in §1.97(e) provided concurrently herewith;
-- OR --
- ☐ a fee of \$180.00 as set forth in §1.17(p) authorized below, enclosed, or included with the payment of other papers filed together with this statement.

☐ 37 CFR §1.97(d). Although this Information Disclosure Statement is being filed after the mailing date of the earlier of (1) a final office action under §1.113 or (2) a notice of allowance under §1.311, it is being filed before payment of the issue fee and should be considered because it is accompanied by:

- A. a certification as specified in §1.97(e); and
- B. a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this Statement.

☒ 37 CFR §1.97(e). A certification signed by an Attorney of Record is provided herewith as required under 37 CFR §§1.97(b) and (c).

☒ 37 CFR §1.98(a)(2). The content of the Information Disclosure Statement is as follows:

- ☒ Copies of each of the references listed on the attached Form PTO/SB/08A are enclosed herewith.
-- OR --
- ☐ Copies of U.S. Patent Documents (issued patents and patent publications) listed on the attached Form PTO/SB/08A are NOT enclosed.
-- AND/OR --
- ☐ Copies of Foreign Patent Documents and/or Non Patent Literature Documents listed on the attached Form PTO/SB/08A are enclosed in accordance with 37 CFR §1.98(a)(2).
-- AND/OR --
- ☐ Copies of pending unpublished U.S. patent applications are enclosed in accordance with 37 CFR §1.98(a)(2)(iii).

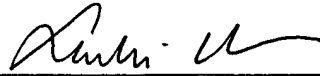
- ☐ 37 CFR §1.98(a)(3). The Information Disclosure Statement includes non-English patents and/or references.
- ☐ Pursuant to 37 CFR §1.98(a)(3)(i), a concise explanation of the relevance of each patent, publication or other information provided that is not in English is provided herewith.
- ☐ Pursuant to 37 CFR §1.98(a)(3)(ii), a copy of a translation of the non-English language reference(s) is provided herewith
- ☐ Attached are copies of search report(s) from corresponding patent application(s), submitted in accordance with MPEP 609 D in support of the attached certification under 37 CFR §1.97(e)(1).
- ☒ *Fee Authorization.* The Commissioner is hereby authorized to charge the above-referenced fees of \$0.00 and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 23-2415 (Docket No. 31242-701.201).

Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI

Dated: September 9, 2005

By:



Lorelei P. Westin
Reg. No. 52,353

650 Page Mill Road
Palo Alto, CA 94304-1050
(650) 493-9300
Customer No. 021971

CERTIFICATION

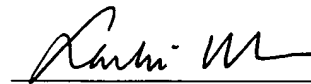
(Attachment to Information Disclosure Statement)

- ☒ 37 C.F.R. §1.97(e)(1). **APPLICANT'S UNDERSIGNED ATTORNEY HEREBY CERTIFIES THAT** each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or
- ☐ 37 C.F.R. §1.97(e)(2). **APPLICANT'S UNDERSIGNED ATTORNEY HEREBY CERTIFIES THAT** no item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing this certification after making reasonable inquiry, no item was known to any individual designated in §1.56(c) more than three months prior to the filing of the information disclosure statement.

Respectfully submitted,

Dated: September 9, 2005

By:



Lorelei P. Westin

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Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Application Number	09/393,590
				Filing Date	09/09/1999
				First Named Inventor	Elizabeth Moyer
				Art Unit	1645
				Examiner Name	Devi, S.J.N.
Sheet	1	of	1	Attorney Docket Number	31242-701.201

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		Letter dated 07/28/2005 from Kilburn & Strode to European Patent Office regarding summons to attend Oral Proceedings dated 01/14/2005	
		Letter dated 08/10/2005 from Hoffmann-Eitle to European Patent Office regarding Oral Proceedings scheduled for 10/20/2005	
		Letter dated 08/19/2005 from Kilburn & Strode to European Patent Office regarding Rule 71A EPC Submission in preparation for Oral Proceedings scheduled for 10/20/2005	

Examiner signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.

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